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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,420	10/13/2000	Peter Joseph Rock	13DV13812	8491

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EXAMINER

CHEN, CHONGSHAN

ART UNIT PAPER NUMBER

2172

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/687,420

Applicant(s)

ROCK ET AL.

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 4 recites the limitation "said step of ranking each individual" in the first 2 lines of the claim. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 16 recites the limitation "accordance with claim 12 wherein to rank each candidate" in the first 2 lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5, 6-8, 11, 12-15, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nadkarni [US Patent, 6,266,659].

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Regarding to claim 1, Nadkarni discloses a method for determining candidates to interview, said method comprising the steps of:

generating a database including at least one characteristic for each individual (Nadkarni, col. 2, lines 27-30);

normalizing the characteristics (Nadkarni, col. 2, lines 42-52);

displaying results for each individual based on the normalized characteristics (Nadkarni, col. 3, lines 18-20); and

selecting at least one candidate to interview (Nadkarni, col. 6, lines 11-14).

Regarding to claim 2, Nadkarni teaches all the claimed subject matters as discussed in claim 1, and further discloses the database includes at least one of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills, said method further comprising the step of gathering the information for the database (Nadkarni, col. 2, lines 27-32).

Regarding to claim 3, Nadkarni teaches all the claimed subject matters as discussed in claim 1, and further discloses obtaining pre-determined desired qualities associated with each characteristic; and normalizing characteristics of each candidate with the pre-determined desired qualities associated with each characteristic (Nadkarni, col. 2, lines 27-52).

Regarding to claim 5, Nadkarni teaches all the claimed subject matters as discussed in claim 1, and further discloses the screens can be modified according to a particular application (Nadkarni, col. 5, lines 33-40) which inherently includes tabular output format and graphical output format.

Claims 6-8 are rejected on grounds corresponding to the reasons given above for claims 1-3.

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Claim 11 is rejected on grounds corresponding to the reasons given above for claim 5.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

Claims 14-15 are rejected on grounds corresponding to the reasons given above for claim 3.

Claims 17-18 are rejected on grounds corresponding to the reasons given above for claim 5.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 9-10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadkarni [US Patent, 6,266,659] in view of Slocum et al. ["Slocum", US Patent, 6,430,306].

Regarding to claim 4, Nadkarni teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by a predetermined value representing a total amount possible. Slocum discloses normalizing a database by summing the records and then dividing by the number of records (Slocum, col. 8, lines 55-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the normalizing method of Slocum to the database of Nadkarni. One of ordinary skill in

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the art would have been motivated to do this in order to accurately and efficiently select data from the database.

Claims 9-10 are rejected on grounds corresponding to the reasons given above for claim 4.

Claim 16 is rejected on grounds corresponding to the reasons given above for claim 4.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319.

The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CC  
September 30, 2002

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100